IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL WRIT PETITION NO.659 OF 2007

M/s. Digicon Micro Systems Private Limited
& Ors. ...Petitioners.
V/s.
State of Maharashtra & 3 Ors. ...Respondents.

Shri D.P.Kamath, adv. for the Petitioners.
Ms.M.M.Deshmukh, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 5th June, 2007.

P.C.:

1. Heard Mr.Kamat the learned counsel for the petitioners. The respondent no.1 has filed a complaint against the petitioners under Section 138 of the Negotiable Instruments Act alleging that the petitioner no.1 is a private limited company while the petitioner nos. 2 and 3 are the directors of the said company and also are responsible for the conduct of the business of the said company. The petitioner no.1 had purchased certain goods from the respondent no.2 and for payment of the dues, under signature of the petitioner no.2, cheques were issued, which were presented to the bank for encashment but were dishonoured. Statutory notice was issued to the petitioners but in spite of service of the notice, the petitioners failed to make the payment and, therefore, the complaint was lodged. The learned Magistrate issued process against the petitioners. The

petitioners filed Revision Application challenging the issuance of process. That revision application came to be rejected by the Sessions Court . Thereafter, the petitioners have filed present Writ Petition challenging the issuance of process. I have carefully gone through the contents of the complaint. All the necessary ingredients of the offence punishable under section 138 of the Negotiable Instruments Act are covered by the contents of the said complaint. According to the petitioners, relevant documents are not produced alongwith the complaint and, therefore, complaint should be dismissed. According to the petitioners, notices were not served on them. After having gone through the contents of the complaint carefully, I find no substance in the petition.

2. Petition stands dismissed summarily.

(J.H.Bhatia,J.)